

THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Taye Elleby

AMENDED COMPLAINT
OF THE PLAINTIFF

- against

15CV-00109

JURY TRIAL REQUESTED

The CITY OF NEW YORK,
(ADA) M. DEROSE

(ADA) ██████████ K. CARUSO

(ADA) S. CARTY

DETECTIVE M. WOODS

POLICE SGT. (PSA5) ORTIZ

POLICE OFFICER M. PRIOR

DEPUTY C. MORELLO (commanding)

Officer of the City of New York

Police Department.

I. JURISDICTION & VENUE

1. This is a civil action authorized by 42 U.S.C. Section 1983 to redress the deprivation under color of state law, of rights of and secured by the Constitution of the United States. This court has jurisdiction under 28 U.S.C. Section 1331 and 1333 (d)(3). The Plaintiff seeks declaratory relief pursuant to 28 U.S.C. Section 2201 and 2202.

The plaintiff also ask for injunctive relief and such is authorized by 28 U.S.C. Section 2283 & 2284 and rules 65 of the FEDERAL RULES OF CIVIL PROCEDURE. The Plaintiff also seek nominal and punitive damages.

2. The Southern District of New York, District Courts are the appropriate venue under 28 U.S.C. Section 1331(b)(2) because it is where the events giving rise to this claim occurred.

3. The plaintiff Taye Elleby is and was at all times mentioned herein a new york resident of the state of new york, and the plaintiff now resides in coxsackie correctional Facility P.O. Box 999 coxsackie New York 12051-0999.

The Plaintiff's Name and Number are as follows
Taye Elleby #14A1409.

1.)

DEFENDANT (ADA) M. DEROSE

address: 1 Hogan place NY NY

2)

DEFENDANT: (ADA) S. CARTY

address: 1 Hogan place NY NY

3)

DEFENDANT: (ADA) K. CARUSO 1 Hogan place NY NY

4.)

Defendant

DETETIVE MARK WOODS

address unknown

5)

DEFENDANT: M. PRIOR (Police officer) (PSA 5)

address: 164 East 102nd street

6)

DEFENDANT: DEPUTY inspeetor Christopher MORELLO he is the commanding officer

for the CITY OF N.Y. police DEpartment
Address 164 W. 102nd street NY NY

7)

DEFENDANT: Sgt. ORTIZ OF (PSA 5)

address - 164 W. 102nd street NY NY

Each Defendant is sued individually and in his or her official compacity. At all times mentioned in this complaint each defendant acted under color of state Law.

FACTS

On may 9th the defendants alleged they were given a call from the FBI stating that a mother from connecticut was coming to

Confront a New York resident (The Plaintiff) because the parent to which was coming(heard) her daughter (Zanae Bowe) was being held against her will and being forced to prostitute by the plaintiff, and this parent (Latisha Spaul) had heard these allegations from a friend of her daughter's (ESSENSe Mondesire) and Mondesire in turn, alleged that she got her information from another girl from, and that was in Connecticut, to which never appeared to say anything to police nor ever made any such complaint to law enforcement, and was a Connecticut resident her name was alleged to be (Rachel Bagwell) and essence mondésire had allegedly made a false call to Bagwell to get her OUT OF the Plaintiff's house cause it was alleged she told Mondesire she was being held against her will along with Bowe and the other women (Johnson and Crossier) so the worried mother who never met the Plaintiff or ever seen him before in her life notified the FBI in Connecticut then got impatient and decided she was coming with Mondesire to confront the Plaintiff, by taking her daughter back home well the FBI immediately notified the police in New York, cause the worried mothers impatience and ~~on~~ her insistence on getting her daughter from this man forcing her daughter to prostitute. the FBI contacted a Detective M. Woods to notify him of what was happening and also notified the Inspector Christopher Morello The Commanding Officer of the City of New York and Morello told police from (PSA 5) who in turn responded when the mother and Mondesire called when they

were in New York in front of the plaintiffs building (1695) well when and while these women were in front of the building they seen, or should I be more specific Mondesire, who had met the defendant before identified him, and the police officers M. Prior stopped him went inside his pockets and took his phone and wallet containing credit cards ID Depit Cards and so forth. Then The commanding officer of the New York City Police Department came up to the plaintiff while he was hand cuffed by Prior, who was instructed to arrest the plaintiff by Sargeant Ortiz. Well when the commanding officer of the City of New York police Department approached he asked the plaintiff if he was ~~holding~~ holding any women against their own will and if he was forcing any of them to prostitute to which the plaintiff responded no, (let me remind the courts that the plaintiff's still handcuffed). These officers or defendants, Sgt. Ortiz and the commanding officer Moreno went up to the Apt # 5H in building 1695 where they knocked on the door and was let in by bowe. The officers asked these women were they being held to prostitute and being held in the plaintiffs apartment and they told the officers no to which the commanding officer testified at the plaintiffs trial these women were not cooperating or being uncooperative (in other words they as the so called victims wasn't agreeing with his story so after him knowing these women committed no crime he said he had them arrested for criminal trespass

Cause they were not on the lease of the apartment. Then he said that Sgt. Ortiz informed him hours later that the women were being held against their will and forced to prostitute so he dropped the charges on them. Now for the good stuff your honor the plaintiff was held for two hours in handcuffs with his chest to a fence while these defendants questioned the so called victims, then and even then these women had already told the commanding officer and the Sgt. Ortiz the allegations were false then to show this as the proof that the women never said they were forced or held or made to prostitute even after two hours of being questioned they didn't admit to the allegations and on top of that if these woman would of said such allegation not only wouldn't it had took 2 hours, but also they would of initially arrested the plaintiff for sex trafficking or even promoting prostitution initially after they came from questioning the alleged victims then your honor this is proved because it wasn't to almost 7 hours after the initial arrest by prior, who was advised to do so by Ortiz, for Endangering the welfare of a child, and criminal trespass in the second degree. Now heres the facts about the initial arrest that proved to be false, not only wasn't the plaintiff in any building when arrested he did not have any kids with him. Then your honor even if the plaintiff was to had been coming out the building he had rights to be

in the building cause his family member who the plaintiff lived with (James Eleyby) before his passing away and leaving the Plaintiff the apartment, shows that not only was n't the plaintiff trespassing, he had keys to the apartment locks, the mailbox keys and received cable bills in his name in the apartment 5H of building 1695, as well as his medical bills. So this shows alone that whether he was on the case or not he had rights to be in the building ~~or~~ if he was coming out the building as police said. Then your honor on its face the arrest was false because its a fact the plaintiff didn't have any children with him, and the kids that were in the apartment were with their mother (Johnson) and your honor all these women had keys to come and go as they pleased. So prima facie the police knew this, that's why they took two hours then finally decided to arrest these women which was to induce intimidate, and coerce them to make a statement on the plaintiff after they as the alleged victims ain't agree with the allegations according to the commanding officer C. MORENO, who knew on the spot that none of the alleged victim ever said the plaintiff ever did ~~the~~ things alleged. Then these women all testified that the officers Det. M. Woods began threatening them telling ~~Johnson~~ they were going to take her kids if she didn't say the plaintiff was her pimp as testified to by Johnson herself. Boal said she told the officers the allegations were not true about the plaintiff when she was first arrested (at her trial testimony) she even went as far as to say she told ADA Carty the allegation were false, when she went to see her, and she even said she

had told the ADA. Carty she was doing her own prostituting and the plaintiff had never asked her to prostitute. This was corroborated by Johnson's trial testimony and hers (Bowe) because Johnson also testified she never was asked to prostitute and she said the plaintiff even used to tell her she did not have to prostitute. Both witnesses testified that they told the ADA's this before they went before the grand jury. Johnson even went as far as to say she was arrested falsely by ADA DeRose or for DeRose's head phone's being stolen when ~~she~~ Johnson presented the facts before the grand jury action. about the police threatening to take her kids and that she did her own prostituting. Then Carty sent officers from New York state to Connecticut, where Bowe said at the trial they begin threatening her and she further said at the plaintiff's trial Carty continuously called threatening and harassing her to her and her family saying they would ~~lock~~ lock her up for a year and give her a fine. but your honor what crime could bowe be locked up for if she was a victim, and then your honor after Caruso, and Carty personally spoke to these women they knew based upon what they said the allegations were false but still begin threatening these women that if they aint make the grand jury testimony they would both be locked up and Johnson's kids taken away.

Then your honor even after being falsely arrested for criminal trespass and endangering the welfare of a child and processed by prior on those charges the plaintiff was illegally detained for over 72 hours in the booking without seeing

a magistrate judge, which according to law is to be within 24 hours after arrest. Your honor confession wrong out of their makers are less reliable than voluntary confessions, so that using one persons coerced confession (before indictment) at another's trial violates my rights under Due Process Clause, and a person may challenge the government's use against him or her coerced confession given by another person. See USCA. Const. Amend. 5th / 4th.

Then your honor defendant Michael Prior the arresting officer falsely arrested the plaintiff after testifying he did not see the plaintiff in any building, nor did he ever see the plaintiff with any children which shows *prima facie* there was no probable cause for the false arrest then officer prior said he arrested the plaintiff cause defendant Ortiz the sgt. told him to, and based upon documents and arrest reports Ortiz said he seen the plaintiff coming out the building. Your honor once again this shows no probable cause for the arrest of the plaintiff for criminal trespass if the plaintiff has keys to an apartment in the building, receives mail and got keys to the mailbox, which all in itself shows that whether or not the plaintiff is on the lease of any apartment he had the right to come and go in and out the building freely with-out police intrusion or the nature of being held 2 hours waiting while police coerced or attempted to coerce I should say the women its false arrest because the plaintiff was handcuffed and held for two hour with his chest on a fence and he wasn't allowed to move freely then he was illegally transported to

the precinct where he had to wait a whole
 other 5 hours on another law enforcement
 to see if he could be federally charged or
 interstate with a crime by Det. M. Woods, which
 shows that these women didn't agree on its
 face to any of the allegations because the
 plaintiff would of been mirandized by the
 arresting officer prior, if it was a lawful
~~warrantless~~ arrest, but instead almost
 nine hours later after the false arrest the
 plaintiff was allegedly questioned and mirandized
 by the new alleged arresting officer on
 the charges of sex trafficking and pro-
 moting prostitution, to which this Det. M. Woods
 said he conversed back and forth with ADA
 Denose who instructed him how to proceed
 with the arrest, and this was all done after
 Denose knew prior falsely arrested the plain-
 tiff and falsely imprisoned him, to hold him
 illegally imprisoned cause they wanted to
 investigate another crime they in fact had
 not initially arrested him for. Then your
 honor the officers could not use the defense
 that they had probable cause to arrest the
 plaintiff on sex trafficking or promoting
 prostitution because as was brought out in the
 trial of the plaintiffs, They were still investig-
 ating the issue almost 9 hours after the
 false arrest. Then there's the fact that
 the only two real accusers of the plaintiff
 (Mondesire) and (Spruill) were not saying
 the allegations on the defendant, as being
 witnesses of such crime's they were saying
 they heard the allegations from a woman
 who was in Connecticut (Rachel Bagwell) who
 in turn never made any such allegations to
 any police or law enforcement. So the officers
 knew that arrest had the hearsay defect

that's the reason why they had to go and ask the women if the allegations of what happened to them really happened, to which these women said it was not true, and as a result the Deputy Inspector who as his official title expresses is the Commanding Officer of the City of New York City Police Department watched as the defendants prior, and Ortiz falsely arrested not only the women but also watched them falsely arrest the Plaintiff after being told in his face that the allegations were false. and he had knew the officers arrested the Plaintiff outside of the building, and he knew the Plaintiff had no kids with him, and he knew the Plaintiff had keys to the building and apartment but still with all that in his view and obvious, he allowed his officers to continue with the false arrest, that was warrantless and with-out probable cause, and more so did this with deliberate intentions on knowingly allowing his officers to violate the Plaintiff's rights against illegal search and seizure, and his rights against false arrest and false imprisonment. and as was brought out in trial the real accuser of the Plaintiff (mondesire) or sprville (or even rachel Bagwell) never came to any grand jury proceeding, no did they come to the trial which deprived the Plaintiff ~~of~~ the liberty of confronting his accusers which is so guaranteed by the U.S. Constitution, let it be noted that not only did the alleged victims testify at the Plaintiff's trial that they were threatened, bribed, intimidated, placed under duress false arrested, that they did not want to testify cause as they said they been saying to the A.D.A. and police Detectives they were prostituting on their own and the

plaintiff never forced or ever asked them to prostitute. let it be noted that when these women took responsibility for their own crimes and said the plaintiff never so much as asked them to prostitute (and they did on their own) That took all criminal liability from the plaintiff for these women's alleged forced actions. Then theres the fact that Officer prior lied on arrest reports saying he arrested the plaintiff inside the building in the apartment just to justify the false arrest, but said later on in the trial that not only did he not lock the plaintiff up inside the building, but that he never in fact entered the building at all and was outside on foot patrol.

Your honor the law shows that conviction obtained by evidence known to be false by the prosecution is violation of rights and deprivations of liberty with-out due process when the prosecution allows the false evidence to go on with-out correcting the wrong. and here in the plaintiff's complaint the prosecuting ADA's allowed their fake witnesses to go to the grand jury say they were forced to prostitute and say they were held there in the plaintiff's house, and forced to prostitute cause they were afraid that if they didn't they would be hurt by the plaintiff, and here the prosecution failed to even mention that all the women told the first false arrest officers the allegations were false, they told the Deputy commanding officer Morello himself, They told Vice Detective mark Woods later and then according to their trial testimony they even told the ADA's themselves. but here at the grand jury pleading they ~~said~~ never brought up the fact that these women also had been threatened and in actual reality

were not the complaining witnesses, in fact the prosecution never mention that not only hadn't the women ever filed any complaint or the fact that they had keys to come and go as they please, but the fact that these women only made statements 9 hours after being intimidated falsely arrested threatened which these facts not being brought up can be said to had Deliberly not been introduced to the grand jury to deliberately impair the integrity of the grand jury. Which in turn the actions of how the Nyhp plus Deputy Commanding Officer Falsely made arrest and watch the plaintiff get Falsely arrest could be said that the Deputy Commanding Officer ~~had~~ watch as his officers Violated the plaintiff's rights and he turned a blind eye to such then even after having the alleged victims themselves say the allegations were false, he to begin to conspire to obstruct justice by Falsely arresting or having the women arrested cause as he said they weren't cooperating (which went in actual reality they were not agreeing with the hearsay of (mondesire and the mother of Bowe Spruill) so he had them arrested saying they were not on the lease of the apartment so he had them arrested, which your honor even if they weren't on the lease they not only had keys to the apartment but its a fact that these woman had the right to be there in the apartment from the plaintiff, and on top of that these women actually did not have to even answer the door for the police, there was no search warrant and only act of good faith did they let the officers inside where there was no crime going on, there was toddlers running around and there was no men in the house period besides johnsons 4 yr old son and from

what I know he wasn't paying for no sex.
Your honor the women Bewe was 17 getting ready to be 18 yrs old, she was constantly in touch with her mother and family, to notify them if any of the alleged activities were really going on. But if ~~be~~ ^{should} obvious to your honor that all the defendants involved. [redacted]

- 1) Conspired to obstruct justice
- 2) the defendants Sgt. Ortiz P.D. Prior falsely arrested and falsely imprisoned the plaintiff knowingly and the Deputy commanding officer, stood by and watched his officers illegally and falsely arrest the plaintiff under false charges he knew to be false and he even contributed to the fraud and coercion of the women by knowingly having them falsely arrested
- 3) The defendants all violated the Due process of the plaintiff, by holding him for a crime that they had no probable cause to arrest him in the first place for with-out a warrant and the ADA. DeRose further violated this right by deliberately having the plaintiff held on false charges for 72 hours before a magistrate judge even seen the plaintiff and all for the purpose's of ~~having~~ having further investigation cause the women were not cooperating as was brought out by Morello at trial
- 4) The Defendants were all deliberately indifferent towards the plaintiff and it was cruel and unusual punishment to use fraud, and lies on the part of the officers Prior and Ortiz to make a false

arrest and illegal search and seizure appear like the plaintiff had done a crime, so [redacted] could hold and force these women to make false statements on the plaintiff.

- 5) The defendants did all the following with intentions to deliberately cause emotional distress on the plaintiff and the women.
- 6) The defendants ORTIZ, PRIOR, and camello Conspired to falsely arrest the plaintiff with-out probable cause
- 7) The defendants CARUSO, CARTY, DEFARSE all endeavored to impede or obstruct justice by coercing witness's before indictment for [redacted] purposes of obtaining an indictment they knew was tainted by perjury in an attempt to get the indictment
- 8) The Defendants conspired to deprive the plaintiff of having the liberty of a fair and impartial trial
 - a) The Defendants Deprived the plaintiff rights under the U.S. Constitution to having the liberty of having a fair and impartial trial
- 9) The Defendants caruso, and Carty Both conspired to deprive the plaintiff the liberty of confronting his accusers
- 10) The Defendants caruso and cartly Deprived the plaintiff the liberty of confronting his accusers, which is so guaranteed by the U.S. Constitution

which would also fall under Due process
or the liberty of Due process

12) The ADA's Conspired to obtain a indictment and a trial conviction with-out a Complainning witness (The accusers) and instead used women the prosecution knew had been Coerced by police and was coerced by prosecution themselves before indictment in the investigative compacity of prosecutions Function as the states advocate.

13) The Defendants Deprived the plaintiff the liberty OF having a Fair and impartial trial Due to the Coercion, intimidation, threats and duress placed on the women to make false Allegation, the prosecutor Knew to be False according to the women (Bowe and Johnson) and the defendants.

14) The defendants prior, and ortiz used Fraud to make arrest reports appear legal thus forth in their pursuit to illegally Detain the Plaintiff against his will or the weight OF the evidence for the warrantless arrest.

15) Presented evidence that was illegally seized in False arrest at trial. PRAYER FOR RELIEF

Wherefore the plaintiff Respectfully Prays For this Court to enter judgment Granting the plaintiff:

A declaration that the acts and admissions described herein violated the Plaintiffs rights under the constitution ~~and~~ and laws of the United States.

and the plaintiff ask's for a preliminary and permanent injunction ordering the defendants ~~the~~ the city of New York to at least suspend or even fire the defendants, and if they can be arrested arrest them for Conspiring to Obstruct justice, so they will never try these things again, and to set an example that those who uphold the law will be penalized when they violate the rights of others.

The Plaintiff Further Prays For
~~██████████~~ punitive Damages in the amount of ~~two million~~ ^{Dollars} jointly and severally in their civilian and official compacity of the defendants

and Nominal Relief in the Amount of Five Million Dollars

A Jury trial on all issues triable by Jury and any additional relief this Court Deems just and proper

Taye Elleby #14A1409
coxsackie corr. fac.
p.o. Box 999
coxsackie New York 12051-0999

Verification

I have read the foregoing complaint and hereby verify that the matters alleged therein are true, except as to matters alleged on information and belief and as to those I believe them to be true. I certify under the penalty of perjury that the foregoing is true and correct.

Executed at New York 7/4/15

Signed Taye L. Elleby

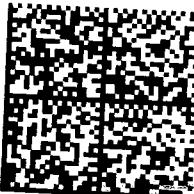
Taye L. Elleby, 14A1409

COXSACKIE CORRECTIONAL FACILITY
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COXSACKIE

CORRECTIONAL FACILITY



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NAME: Taye Elleby DIN: 14A1409

NEW YORK STATE CORRECTIONAL FACILITY SUPERVISION PROGRAM ENDER CORRESPONDENCE

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOT